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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 THOMAS J. ROMANO,

8 Plaintiff,

9 vs.

10 NEVADA DIVISION OF WATER
11 RESOURCES,

12 Defendant.

3:16-cv-00204-RCJ-WGC

ORDER

13 This case arises out of a water rights dispute. Pending before the Court is a Motion to
14 Reconsider and Clarify (ECF No. 24).

15 **I. FACTS AND PROCEDURAL HISTORY**

16 Plaintiff Thomas Romano alleges Defendant Nevada Division of Water Resources has
17 improperly refused to recognize his right to use 82.62 acre feet of water to benefit certain land.
18 Plaintiff appears to allege that the prior owner quitclaimed the water rights to him in 2010, but
19 Defendant is allegedly of the position that it cancelled the rights in 2004 such that the thing
20 quitclaimed was of no value. Plaintiff sued Defendant *in pro se* in this Court. Defendant has
21 answered. Plaintiff asked the Court to strike Defendant's affirmative defenses and to sanction
22 Defendant for asserting them. The Court denied those motions and struck Plaintiff's Reply to the
23 Answer, which was filed without leave. Plaintiff has appealed that order and has also asked the
24 Court to reconsider or clarify it.

1 **II. DISCUSSION**

2 Plaintiff complains that the Court did not address each of his legal arguments in turn with
3 respect to his previous motion to strike certain affirmative defenses. The Court denies the
4 motion as moot because it contemporaneously grants Defendant's motion to amend the Answer.
5 For the parties' benefit going forward, the Court notes that it has ruled before that affirmative
6 defenses must be sufficiently identified as to the legal theory at issue but needn't contain factual
7 allegations. *See Rockwell Automation, Inc. v. Beckhoff Automation, LLC*, 23 F. Supp. 3d 1236,
8 1241–42 (D. Nev. 2014) (citing *Tyco Fire Prods. LP v. Victaulic Co.*, 777 F. Supp. 2d 893, 900
9 (E.D. Pa. 2011)).

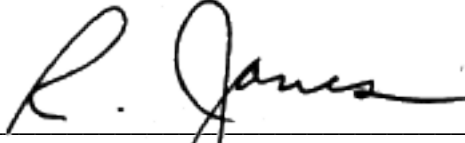
10 **CONCLUSION**

11 IT IS HEREBY ORDERED that the Motion to Reconsider and Clarify (ECF No. 24) is
12 DENIED as moot.

13 IT IS FURTHER ORDERED that the Motion for Leave to File Amended Answer (ECF
14 No. 19) is GRANTED.

15 IT IS SO ORDERED.

16 Dated this 24th day of August, 2016.

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19 ROBERT C. JONES
20 United States District Judge
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